

Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CHAMBER OF COMMERCE OF THE  
UNITED STATES OF AMERICA, and  
  
RASIER, LLC

*Plaintiffs,*

v.

CITY OF SEATTLE,  
  
SEATTLE DEPARTMENT OF FINANCE  
AND ADMINISTRATIVE SERVICES, and  
  
CALVIN W. GOINGS,<sup>1</sup> in his official  
capacity as Director, Finance and  
Administrative Services, City of Seattle

*Defendants.*

Case No. 17-cv-00370-RSL

**STIPULATED MOTION  
REGARDING MOTIONS AND  
BRIEFING SCHEDULE**

**NOTING DATE: December 6, 2018**

Pursuant to Local Civil Rules 7(d)(1) and 10(g), Plaintiffs and Defendants (“Seattle”) submit this Stipulated Motion to modify the schedule for the filing and briefing of Plaintiffs’ motion for summary judgment and Seattle’s motion for discovery set forth in the Court’s case

<sup>1</sup> Former Defendant Fred Podesta is no longer the Director of Finance and Administrative Services. The current Director is Calvin W. Goings.

1 management order dated November 2, 2018, and the parties' Joint Status Report and Discovery  
2 Plan dated October 26, 2018. For the reasons set forth herein, the parties stipulate and agree that  
3 the time for Plaintiffs to file their motion for summary judgment shall be suspended pending  
4 Seattle's consideration of an amendment to the collective-bargaining ordinance under review in  
5 this action. The parties shall file a joint status report no later than January 15, 2019, advising the  
6 Court on the status of the amendment and proposing a revised schedule for the filing and briefing  
7 of Plaintiffs' motion for summary judgment and Seattle's motion for discovery.

8 1. This case, on remand from the Ninth Circuit, involves a facial challenge to a  
9 Seattle ordinance authorizing for-hire drivers to engage in collective negotiations over the terms  
10 of their contracts with ride-referral and similar companies (known under the ordinance as "driver  
11 coordinators"). Plaintiffs allege that the ordinance violates and is preempted by federal antitrust  
12 law.

13 2. The parties previously negotiated, and the Court ordered, a schedule for the filing  
14 by Plaintiffs of a motion for summary judgment and the subsequent filing by Seattle of a motion  
15 for discovery under Rule 56(b). Under the schedule, Plaintiffs' motion for summary judgment is  
16 due to be filed this Friday, December 7, and any motion by Seattle for discovery would be due  
17 on December 21.

18 3. On Monday, December 3, counsel for the City informed counsel for Plaintiffs that  
19 the City Council is considering an amendment to the ordinance that would remove "the nature or  
20 amount of payments to be made by, or withheld from, a driver coordinator to or by its drivers"  
21 from the authorized subjects of collective negotiations. Seattle expects the City Council to make  
22 a final decision on this proposed amendment within approximately the next month, but not  
23 before December 21.

24 4. Plaintiffs believe that the amendment would not cure the ordinance's legal  
25 deficiencies. Nevertheless, the parties agree that the amendment, if enacted, could potentially  
26 affect the presentation and scope of the parties' arguments. Because the amendment will be

enacted, if at all, after the current motions deadlines, enactment of the amendment would require the parties to revise or supplement their motions and briefs.

5. Accordingly, to avoid burdening the parties and the Court with potentially unnecessary time and expense, the parties hereby stipulate and agree to temporarily suspend the filing and briefing of their respective motions while the City Council considers the amendment.

6. The parties further stipulate and agree that they will submit a joint status report no later than January 15, 2019, advising the Court on the status of the amendment and proposing a revised schedule for the filing and briefing of Plaintiffs' motion for summary judgment and any motion by Seattle for discovery.

IT IS SO STIPULATED.

Dated: December 6, 2018

Respectfully submitted,

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By: s/ Timothy J. O'Connell

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Stipulated Motion Regarding Motions and Briefing Schedule - 3  
Case No. 17-cv-00370-RSL

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**ORDER**

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2018.

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The Honorable Robert S. Lasnik  
Senior United States District Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on December 6, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the parties who have appeared in this case.

DATED: December 6, 2018, at Seattle, Washington.

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